

**Amendments to the Drawings:**

Applicants have proposed an amendment to drawing Figures 1, 4, 6 and 7 for the Examiner's consideration in the attached Replacement Sheets. Figures 1 and 4 have been amended to correct the reference numeral "12" on the left side of the Figures to correctly read "10". Figures 6 and 7 have been amended to include the legend "PRIOR ART".

### **REMARKS/ARGUMENTS**

In this Amendment, Applicants have amended independent claim 1 to more-particularly claim Applicants' invention. Applicants respectfully submit that the subject matter of the amendments to the claims is clearly disclosed in Applicants' published application at least at paras. 0012-0016, 0028 and 0036.

Applicants respectfully submit that the amended claims are allowable for at least the following reasons.

(1) In a boiler apparatus of this invention as claimed in amended claim 1, the ceiling wall inlet mixing header 8 has a bent portion halfway thereof, and mixing header inlet connecting ducts 10 are connected to vicinities of one end portion of the ceiling wall inlet mixing header 8 while mixing header outlet connecting ducts 9 are connected to vicinities of the other end of the ceiling wall inlet mixing header 8. By way of such a construction, it is possible to simplify the structure of the boiler apparatus and to reduce a temperature difference generated in the ceiling wall, as described in Applicants' published application at least at para. 0028 and 0033.

Applicants respectfully submit that JP2001-324102 does not disclose or suggest such a construction and, consequently, cannot achieve the same advantages as the present invention.

(2) Further in Applicants' invention as claimed in amended claim 1, the fluid coming from the nose wall 5, which nose wall is projected into a furnace, is not introduced into the ceiling wall inlet mixing header 8 since the plurality of upper walls connected to the ceiling wall inlet mixing header does not include the nose wall. See Figure 1. This configuration is provided in order to avoid losing the temperature difference reduction effect. In other words, since the nose wall is high in heat absorption and the fluid coming from the nose wall is so high in temperature, if the fluid coming from the nose wall is mixed into the ceiling wall,

adverse effects may be caused, which are described in Applicants' published application at para. 0036.

Applicants also respectfully submit that JP2001-324102 fails to disclose such a construction as claimed.

(3) Applicants also respectfully submit that in JP2001-324102, there is no disclosure to provide a bent portion in a part of, or halfway of, the ceiling wall inlet mixing header (claim 1) by bending the same in L-shape (claim 4). In the Office Action, the Examiner argues that Applicants have not disclosed that having a bent ceiling wall inlet mixing header solves any stated problem or is for any particular purpose. Applicants respectfully disagree. As disclosed in Applicants' published application at para. 0028, the length L2 occupied by the ceiling wall inlet mixing header 8 can be made substantially shorter than length L1, which would be occupied by the header 8 if it were extended like a straight line, while still maintaining the length of the fluid mixer region. Thus, the apparatus can be made compact, and additionally as further disclosed, with the bent portion provided halfway in the header, the flow of fluid can be changed so that fluid mixing in the header can be performed. Therefore, Applicants respectfully submit that this claimed feature is not merely an obvious matter of design choice, but rather, is a feature which is provided for the particular purposes disclosed in Applicants' specification. As acknowledged by the Examiner, JP2001-324102 discloses no such features.

(4) Further, Applicants respectfully submit that in JP2001-324102, there is no disclosure or suggestion of the construction as claimed in which the ceiling wall inlet mixing header 8 is installed substantially in a central portion in a furnace width direction, and the mixing header outlet connecting ducts 9 are disposed substantially symmetrically with respect to the ceiling wall inlet mixing header 8 (dependent claim 5).

Therefore, for at least the above reasons, Applicants respectfully submit that the pending claims are allowable over JP2001-324102.

Further in this Amendment, Applicants have corrected the specification, as noted by the Examiner, and have provided Replacement Sheets for Figures 1, 4, 6, and 7. Figures 1 and 4 have been amended to correct the reference numeral "12" on the left side of the Figures to correctly read "10". Figures 6 and 7 have been amended to include the legend "PRIOR ART". Applicants thank the Examiner for noting that Figure 6 should be labeled as such and, after Applicants' review of the specification, note that Figure 7 is also described as showing a background-art boiler apparatus.

With respect to the Examiner's comments on the priority of the application, Applicants respectfully submit that the present application is a National Phase of a PCT application and that a certified copy of the original foreign application was not filed in the application. Since this application is a National Phase application, Applicants respectfully submit that a certified copy of the original foreign application is not required. Applicants respectfully submit that they have made the required claim for priority at the time of filing the application in the filed Application Data Sheet. Further, Applicants respectfully submit that a Notice of Acceptance of Application was mailed on April 5, 2007, which states that the international application has met the requirements of 35 U.S.C. 371 and is accepted for national patentability examination in the United States Patent and Trademark Office. Therefore, Applicants respectfully submit that the Examiner's comments regarding the priority of the application are moot. Applicants respectfully request that the Examiner acknowledge Applicants' claim for foreign priority in the next communication from the Examiner.

Applicants respectfully submit that the application is now in condition for allowance with claims 1, 4, and 5 being allowable. If there are any questions regarding this Amendment or the application in general, a telephone call to the

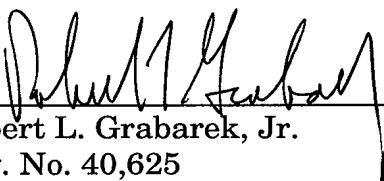
undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

As provided for above, this paper includes a Petition for an Extension of Time sufficient to effect a timely response. Please charge any deficiency in fees, or credit any overpayment of fees, to Deposit Account No. 05-1323 (Docket No. 101437.57334US).

Respectfully submitted,

CROWELL & MORING LLP

Dated: December 5, 2008

By   
Robert L. Grabarek, Jr.  
Reg. No. 40,625  
Tel.: (949) 263-8400 (Pacific Coast)

ATTACHMENTS  
Intellectual Property Group  
P.O. Box 14300  
Washington, D.C. 20044-4300